

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MICAH FIALKA-FELDMAN

Case Number 08-CV-14922

Plaintiff,

Hon. Patrick J. Duggan

v.

OAKLAND UNIVERSITY BOARD
OF TRUSTEES, GARY D. RUSSI, MARY BETH
SNYDER, and LIONEL MATEN, in their
official capacity,

Defendants.

Michigan Protection & Advocacy Service, Inc.
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Veena Rao (P2981)
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Livonia, MI 48152
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Attorneys for Defendant

AFFIDAVIT OF VEENA RAO

I, Veena Rao, make this affidavit under oath and would so testify in court:

1. I am an attorney with Michigan Protection & Advocacy Service, Inc (MPAS). MPAS is the Michigan entity designated by the Governor to implement the federal protection and advocacy (P&A) laws enacted to protect the rights of people with disabilities. The federal statutes are the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15040 *et seq*, the Protection and Advocacy for Individuals with Mental Illness Act of 1986, 42 U.S.C. § 10801 *et seq*, and the Protection and Advocacy of Individual Rights Act, 29 U.S.C. § 794e(a).

2. I have been a Michigan attorney for almost 15 years, admitted to the Bar in 1995. I initially worked at Wayne County Neighborhood Legal Services and then as a research attorney for Wayne County Judicial Circuit Court before becoming a staff attorney for Michigan Protection and Advocacy in 1998.

3. I have been involved in litigation in federal and state court during my time at MPAS. In addition, I have been involved in hearings before state administrative agencies in disability related matters.

4. My time in this case was spent attending depositions, drafting pleadings, conducting legal research and reviewing the pleadings filed by Defendant in this Court.

5. I bill at rate of \$275 per hour for my work. In this case, I am billing at the rate of \$250 per hour.

6. According to the Michigan Bar Journal surveys, released in 2007, my hourly rate is at or below the rate charged by other "civil rights" attorneys in SE Michigan.

7. With 15 years of legal experience, including 12 years concentrating on disability-related cases, the rate I am charging is reasonable for the services I rendered to Mr. Fialka-Feldman.

8. It is not clear if any private sector lawyer would have under-taken representation of Mr. Fialka-Feldman in this case. It is a civil rights case involving a student with disability whose only wish was to live in on-campus housing.

9. The limited availability of public interest attorneys from MPAS, the reality that at times the local lawyers in private practice cannot or perhaps will not accept clients like Mr. Fialka-Feldman and the overall expenses associated with hiring a lawyer from the private sector

create an environment where many people seeking representation from an attorney experienced in the various aspects of such civil rights proceedings will be unable to do so.

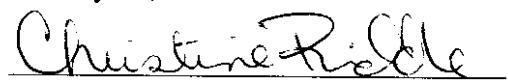
10. For all these reasons, I believe an attorney fee of \$250 per hour for legal services provided to Mr. Fialka-Feldman is justified and reasonable.

I declare under penalty of perjury that the foregoing is true and correct.



Veena Rao (P52981)

Subscribed and sworn to before me on
January 20, 2010.



Christine M. Riddle
Christine M. Riddle, Notary Public
Oakland County, Michigan
Acting in Wayne County, Michigan
My Commission Expires: Nov. 4, 2014